

Message Text

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PAGE 01 STATE 024679

15

ORIGIN EB-03

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DRAFTED BY EB/OA/AVP:DBORTMAN:JO

APPROVED BY EB/OA/AVP:DBORTMAN

DOT - MR. TIDD

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FM SECSTATE WASHDC

TO AMEMBASSY LONDON

INFO AMEMBASSY PARIS

C O N F I D E N T I A L STATE 024679

LIMDIS

E.O. 11652: GDS

TAGS: EAIR, UK

SUBJECT: CIVAIR - CONCORDE

REF : LONDON 1589

1. WE FOUND BINNING'S STATEMENTS REPORTED REFTEL SOMEWHAT SURPRISING SINCE WE UNDERSTOOD GORDON-CUMMING (BRITISH EMBASSY/WASHINGTON) WAS SENDING MESSAGE TO LONDON JAN 30 EXPLAINING PRECISELY CURRENT DOT/FAA THINKING. IN PARAS 2 AND 3 BELOW WE HAVE TRIED DESCRIBED DOT/FAA POSITION AND EMBASSY MAY USE THIS INFORMATION TO ASCERTAIN WHAT IS UNDERSTOOD TO BE U.S. POSITION BY HMG. HOWEVER, EMBASSY SHOULD NOT REPEAT NOT INTERPOSE ITSELF AS AN AUTHORITY ON DOT/FAA VIEWS. THE LATTER HAVE BEEN DEVELOPED WITH GREAT CARE AT THE HIGHEST LEVELS IN DOT AND AS INDICATED ABOVE HAVE BEEN TRANSMITTED FROM DOT/FAA TO THE BRITISH EMBASSY/ WASHINGTON.

2. VALIDITY OF CONCORDE OPERATIONS SPECIFICATIONS WOULD
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PAGE 02 STATE 024679

NOT BE LIMITED TO ONE YEAR. HOWEVER, OPERATIONS SPECIFI-

CATIONS WOULD CONTAIN LIMITATION ON CONCORDE OPERATIONS PER DAY PER AIRPORT (PRECISE NUMBERS AND TERMS NOT YET WORKED OUT) PENDING ADOPTION OF A GENERAL RULE COVERING CONCORDE FLIGHTS. IF SUCH A RULE WERE NOT ADOPTED BEFORE THE END OF 1976, AN APPLICATION COULD BE ENTERTAINED BY DOT/FAA FOR AN INCREASE IN FLIGHTS IN 1977 OR IF NO

INCREASE WERE REQUESTED, THE AUTHORITY FOR THE INITIAL NUMBER OF FLIGHTS WOULD CARRY ON FOR SUBSEQUENT YEARS. IN FACT DOT/FAA EXPECTS THAT A GENERAL RULE WOULD BE ISSUED BEFORE THE END OF 1976 IN WHICH CASE THIS RULE WHICH MIGHT OR MIGHT NOT LIMIT THE NUMBER OR TIMING OF CONCORDE FLIGHTS, WOULD APPLY TO CONCORDE OPERATIONS THEREAFTER. ONCE SUCH A RULE WAS ISSUED, PRESUMABLY NO NEW APPLICATION OR NEW EIS WOULD BE REQUIRED FOR ADDITIONAL FLIGHTS PERMITTED UNDER THE RULE.

3. THE NEED FOR THE ABOVE LIMITATION IN THE INITIAL CONCORDE OPERATIONS SPECIFICATIONS STEMS FROM THE POSSIBILITY THAT EPA MAY RECOMMEND SHORTLY AN SST NOISE RULE WHICH EXEMPTS EXISTING SST MODELS, BUT WHICH COULD URGE FAA TO ISSUE A GENERAL RULE GOVERNING SERVICES OF EXISTING SST MODELS. EPA POSITION IS NOT REPEAT NOT YET KNOWN. HOWEVER, IF IT SHOULD TAKE ABOVE APPROACH, IT WOULD BE NECESSARY THAT THE CONCORDE OPERATIONS SPECIFICATIONS HAVE SUFFICIENT FLEXIBILITY TO PERMIT DOT/FAA TO INSTITUTE RULE MAKING PROCEEDINGS LEADING TO A GENERAL RULE. WE WOULD ALSO POINT OUT AGAIN THAT EPA AND FAA ARE DEFENDING A COURT ACTION WHICH SEEKS TO COMPEL THE ISSUANCE OF AN SST NOISE RULE. THIS ACTION IS SCHEDULED TO COME BEFORE THE COURT AGAIN LATER THIS MONTH. KISSINGER

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